



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE April 15, 2005	CONTACT/PHONE John Busselle, Senior Planner 805-781-5154	APPLICANT Roberta Lindsay	FILE NO. COAL 04-0280 SUB2004-00065
SUBJECT Request by Roberta Lindsey for a Lot Line Adjustment to adjust the lot lines between two parcels of 40.09 and 47.34 acres each. The adjustment will result in two parcels 67.43 and 20 acres each. The project will not result in the creation of any additional parcels.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 04-0280 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A General Rule Exemption was issued on March 16, 2005, pursuant to CEQA guidelines section 15061(b)(3).			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 080-112- 009,010,032,034	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable			
EXISTING USES: Single family residence			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural/scattered residential South: Lake Nacimiento East: Residential Rural/scattered residential West: Residential Rural/scattered residential			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Monterey County, Ag Commissioner, RWQCB			
TOPOGRAPHY: Moderate to steep slopes		VEGETATION: Oak trees, grasses, forbs	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: County Fire Department		ACCEPTANCE DATE: December 9, 2004	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
47.34	67.43
40.09	20.00

The adjustment is being requested because the existing access driveway to the residence is on two different parcels. The adjustment would adjust lot lines to place the driveway and residence on the same parcel.

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The minimum parcel size for new land divisions in the Residential Rural category on the south shore of Lake Nacimiento is 80 acres, which is set by planning area standard. This standard applies unless the access road between the property and the nearest county maintained road meets specific Uniform Fire Code standards, implemented through the County Fire Department(CDF). The access road to the property in question does not meet CDF standards for new land divisions.

In the absence of the planning area standard, parcel sizes for new divisions in the Residential Rural category would range from 5 to 20 acres depending on compliance with parcels size tests in Land Use Ordinance section 22.22.060. The property in question could not meet current ordinance tests for new divisions due to lack of dedicated road access. With dedicated road access, and without the Planning Area standard, the property could qualify for 20 acre parcels under section 22.22.060.

The adjustment will result in a reduction in size of one 40.09 acre parcel to 20 acres (the minimum size that could be created if the access test were met). The remaining 47.34 acre parcel would be increased in size to 67.43 acres. This results in an equal situation regarding zoning because with the Planning Area standard, the existing parcels are below the minimum parcel size for the Residential Rural category in this area and the adjusted parcels will remain below the minimum for the category. Without the Planning Area standard, both existing and proposed parcel sizes are within the range allowed by the Residential Rural land use category. The adjustment results in an equal situation relative to building ordinances because no changes are proposed that would adversely affect the existing residence or property line setbacks.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below minimum parcel size as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law

LEGAL LOT STATUS:

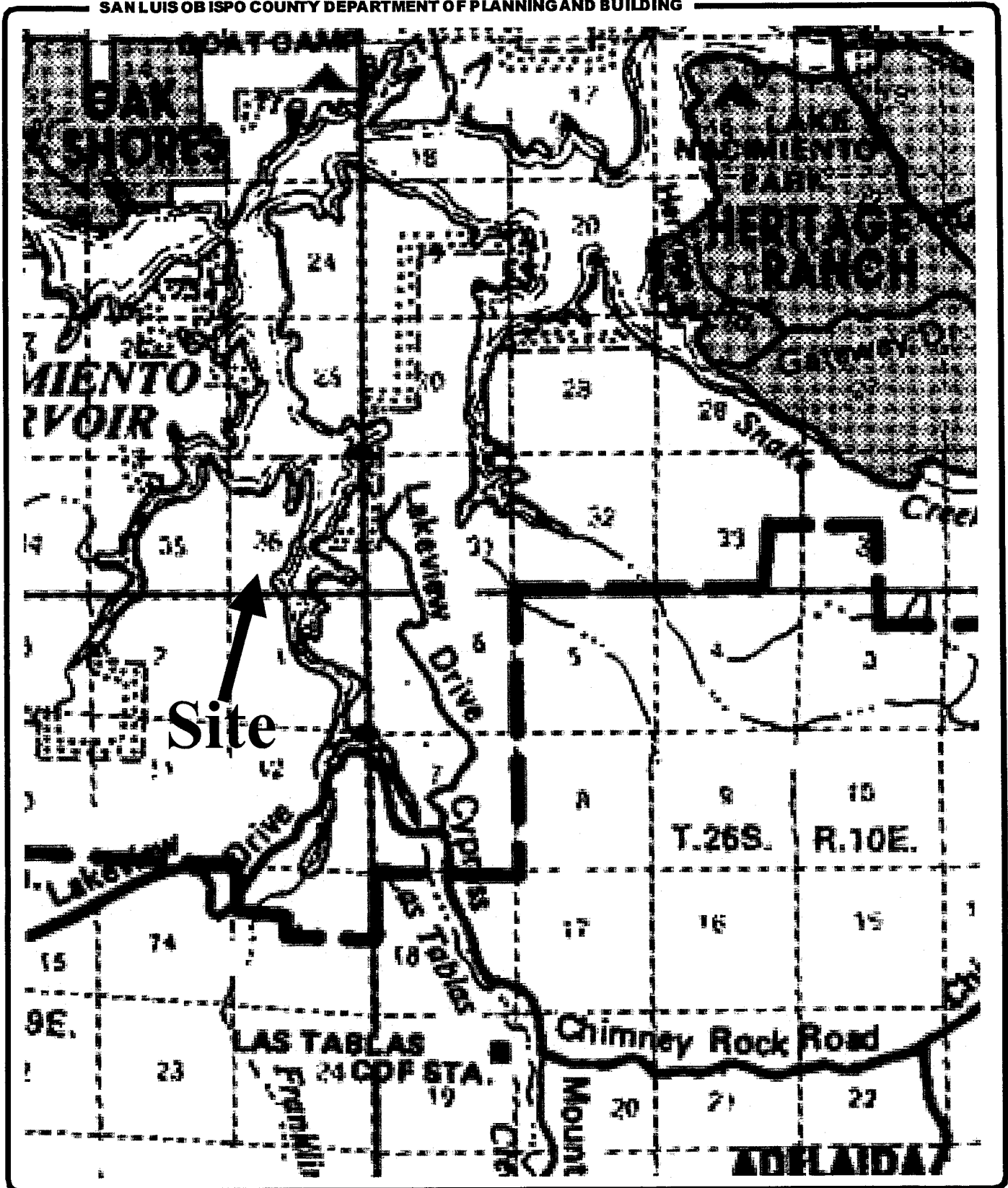
The two existing lots were legally created by a previous parcel map.

FINDINGS - EXHIBIT A

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment results in an equal situation with regards to zoning ordinances and a equal situation with regards to building ordinances.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a General Rule Exemption pursuant to CEQA Guidelines Section 15061(b)(3) because the project is a minor adjustment of lot lines that will not have a significant effect on the environment and no mitigation is necessary.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action



PROJECT

Planning Department Hearing
Lindsey COAL04-0280

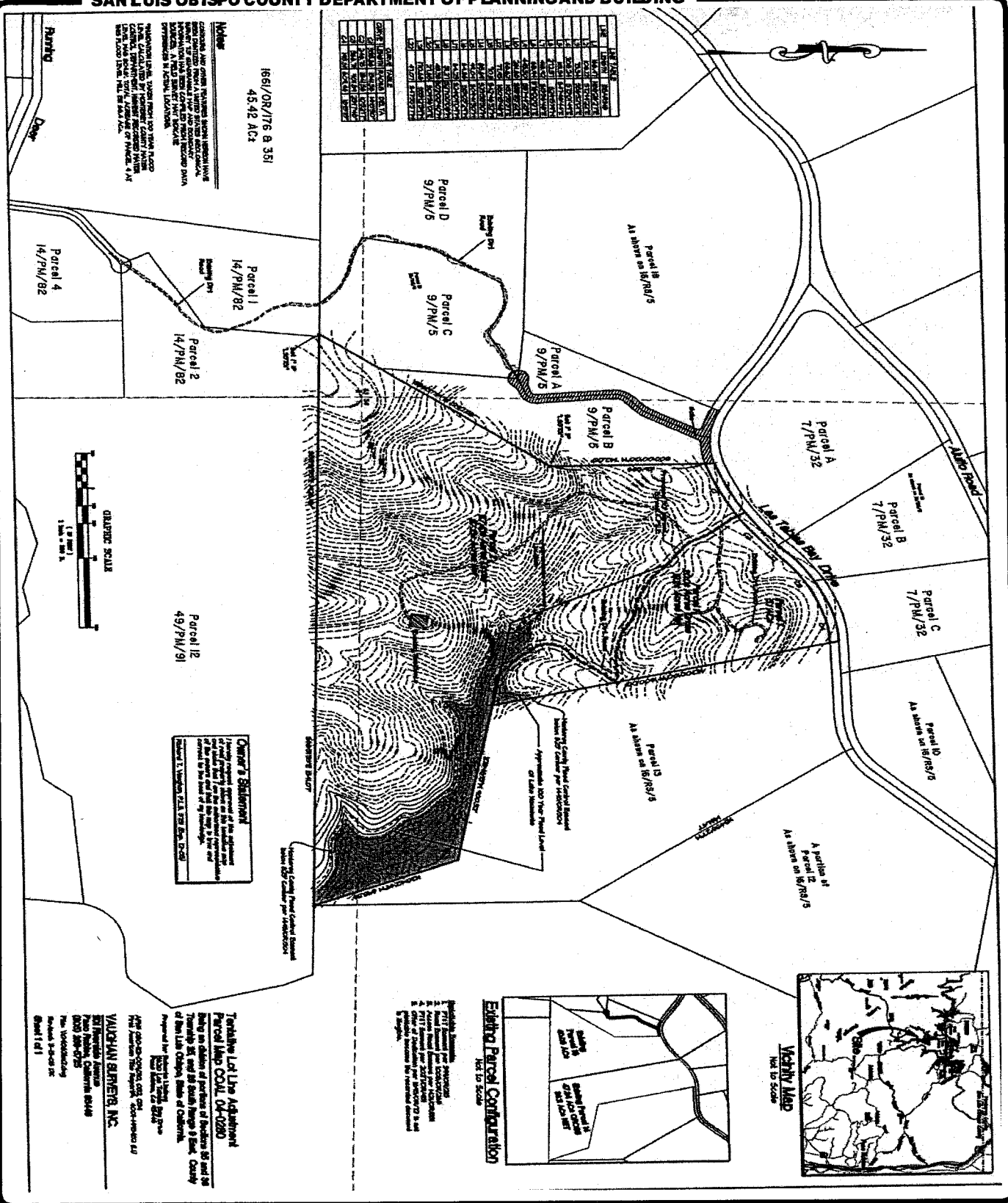


EXHIBIT

Vicinity Map

[illegible]

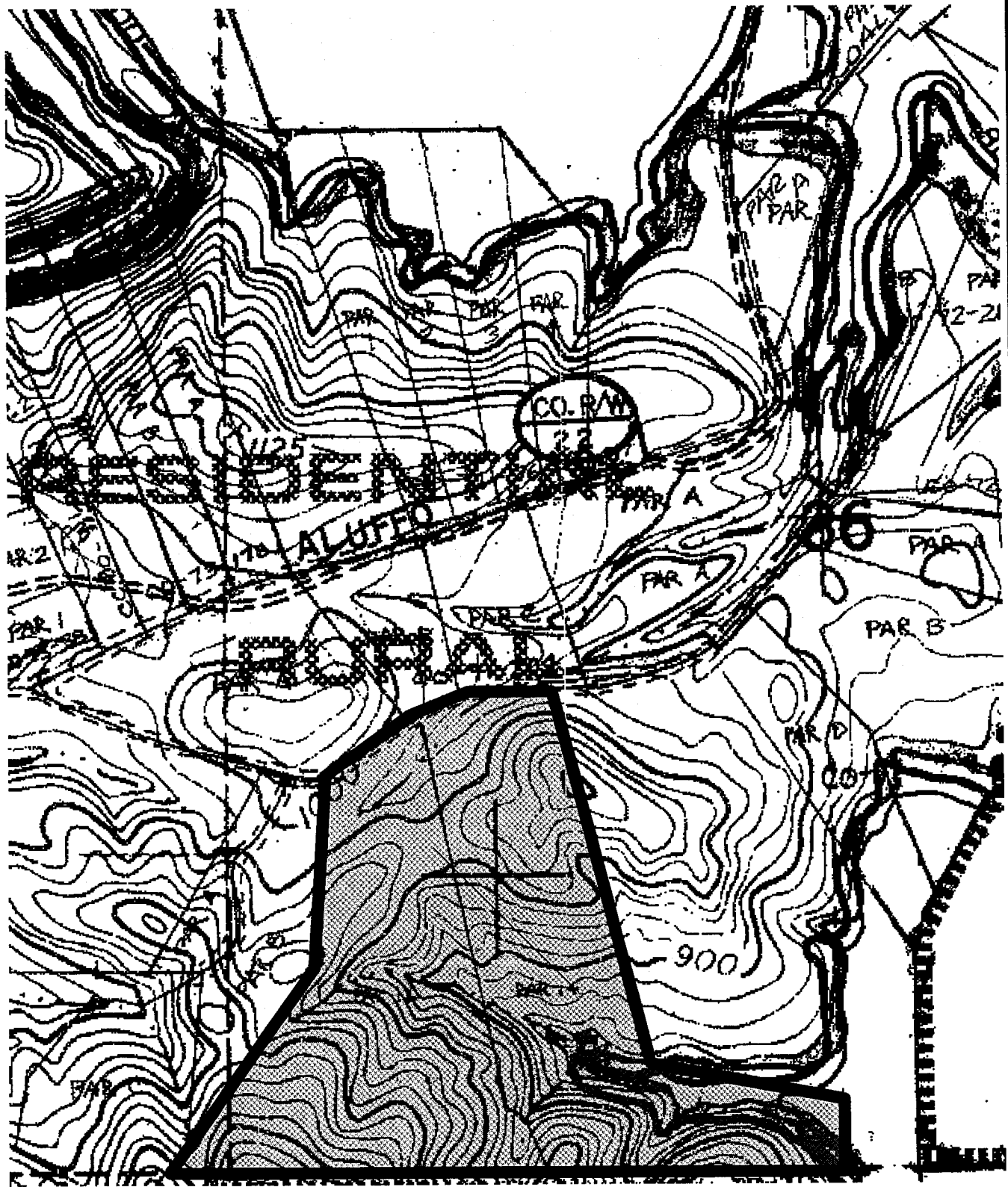
1661/OR/176 @ 351
45.42 ACt

[illegible][illegible][illegible]

Existing Parcel Configuration
Not to Scale

Western Map
Not to scale





PROJECT

Planning Department Hearing
Lindsey COAL04-0280



EXHIBIT

Land Use Category



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

TO:

FROM:

8/16/04
Heritage Ranch CSD
North Co. Team
(Please direct response to the above)

LINDSAY
SUB 2004-00065
Project Name and Number

Development Review Section (Phone: 781- 788-2009) ()

PROJECT DESCRIPTION:

LLA → 080-112-009, 010, 032 & 034
(between (4) parcels)

Return this letter with your comments attached no later than:

8/30/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X
YES

(Please go on to Part II)

NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X
NO

(Please go on to Part III)

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

NO Comment

8-19-04

Date

John DiOrnellas

Name

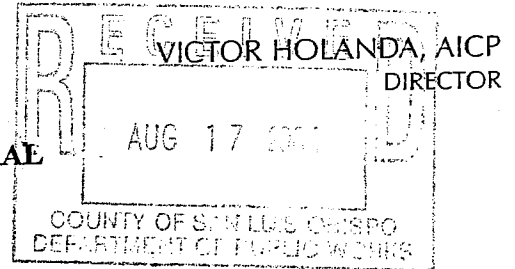
227-6230

Phone



8

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



JB

THIS IS A NEW PROJECT REFERRAL

DATE:

FROM

8/16/04
PLD

LINDSAY

North Co. Team
(Please direct response to the above)

SUB 2004-00065
Project Name and Number

Development Review Section (Phone: 781- 788-2009) ()

PROJECT DESCRIPTION: LLA → 080-112-009, 010, 032 & 034
(between 4 parcels)

Return this letter with your comments attached no later than:

8/30/04

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?

YES (Please go on to Part II)

NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

No Title Report. RECOMMEND APPROVAL - NO CONCERNS WITH PROPOSAL - INF
AS PRESENTED.

14 SEP 2004
Date

GOODWIN
Name

5252
Phone